

SENATE BILL 1759
By McNally

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 5, Part 1, relative to placing identification tags on kegs of beer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 5, Part 1, is amended by adding the following as a new, appropriately designated section:

57-5-1__.

(a) A retailer who sells beer contained in kegs for off-premises consumption shall place an identification tag on each keg of beer at the time of sale and shall require the signing of a receipt for the keg of beer by the purchaser in order to allow the kegs to be traced if the contents are used in violation of state law. The keg identification tag shall be in the form of a numbered label prescribed and supplied by the department of revenue that identifies the seller. The receipt shall be on a form prescribed and supplied by the department of revenue and shall include the name and address of the purchaser and the purchaser's driver license number or equivalent form of identification number. A retailer shall not return any deposit upon the return of any keg that does not have the identification label required pursuant to this subsection.

(b) Any county, municipal or metropolitan beer board or committee shall revoke or suspend the permit of, or impose a civil penalty on, any retailer selling kegs for off-premises consumption who fails to require the signing of a receipt at the time of sale or who fails to place a numbered identification label on the keg. The retailer shall retain a copy of the receipt, which shall be retained on the licensed premise for a period of six (6) months. The receipt records shall be available for inspection and copying by the department of revenue or other authorized law enforcement agency.

(c) Possession of a keg containing beer with knowledge that the keg is not identified as required by subsection (a) is a Class C misdemeanor.

(d) Any purchaser of a keg containing beer who knowingly provides false information as required by subsection (a) is guilty of a Class C misdemeanor.

(e) The identification label required pursuant to subsection (a) shall be constructed of material and made attachable in such a manner as to make the label easily removable for the purpose of cleaning and reusing the keg by a beer manufacturer.

(f) The department of revenue is authorized to charge a fee not to exceed the actual cost of supplying receipt forms and identification labels required pursuant to subsection (a).

(g) As used in this section, "keg" means any brewery-sealed, individual container of beer having a liquid capacity of six gallons (6 gals.) or more.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.